

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Lars R. Damgaard

Application No.: 10/540,349

Confirmation No.: 2540

Filed: September 1, 2005

Art Unit: 1657

For: DEVICE AND METHOD FOR  
NON-INVASIVE MEASUREMENT OF THE  
INDIVIDUAL METABOLIC RATE OF A  
SUBSTANTIALLY SPHERICAL  
METABOLIZING PARTICLE

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Examiner: Paul C. Martin

**AMENDMENT**

MS RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

**INTRODUCTORY COMMENTS**

In response to the Office Action mailed July 15, 2008, the deadline for response thereto being extended to January 15, 2009, Applicant submits the following amendment and remarks.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 11 of this paper.